

# **EXHIBIT 2**



## Craig Duewall

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Craig Duewall focuses his complex commercial litigation and arbitration practice on cases involving class actions, trade secrets, private equity, environmental, oil and gas, securities fraud, fiduciary duty, construction, real estate, business and partnership disputes, and insurance coverage. He represents plaintiffs and defendants across the United States in matters before state and federal district courts, state and federal appellate courts, and arbitration tribunals. He also has experience representing clients in matters involving the Texas Commission on Environmental Quality and the Texas Railroad Commission. Craig works with clients across numerous industry platforms, always seeking to understand the client's business processes, culture, short and long-term goals, and strategic objectives; thereby allowing the development of litigation strategies that are unique to each individual client and dispute.

### Concentrations

- Oil & gas
- Energy
- Environmental
- Construction and Real Estate
- Commercial
- Private Equity
- Insurance

### Capabilities

Litigation | Energy & Natural Resources | Liquefied Natural Gas | Energy Litigation | Upstream

Oil & Gas

### Experience

#### Commercial Litigation

- Obtained summary judgment on behalf of Health Insurance Client in a lawsuit brought by nine emergency room physician groups seeking reimbursement for alleged underpayment on 5 years of disputed emergency room billings. The lawsuit, filed in

Travis County, Texas, alleged that the insurer had failed to pay the proper amount for out-of-network emergency services that were rendered to insurance plan members from 2015 through 2019. The doctor staffing plaintiffs alleged that defendants had underpaid more than 15,000 ER visits in damages they alleged exceeded \$100 million. Plaintiffs asserted claims under Section 1271 of the Texas Insurance Code. They also alleged unfair settlement practices under Section 541 of the Texas Insurance Code, alleged violations of the Texas Prompt Payment Act, quantum merit, and sought a declaratory judgment asking the jury to set reimbursement rates going forward. All claims were disputed and dismissed with prejudice via summary judgment.

### **Energy & Natural Resources**

- Represented defendant (oil and gas exploration and production company) in class action alleging improper payment of Oklahoma gas well royalties. Plaintiffs alleged that no deductions could be taken at the well-head. Dispute was successfully resolved before class certification.
- Represented defendant (oil and gas private equity investor) in federal litigation alleging tortious interference with employment contracts and business disparagement. Plaintiff alleged that private equity investor was liable for improperly dictating terms associated with investment. All claims were dismissed with prejudice.
- Represented claimant (oil and gas exploration and production company) in AAA arbitration involving disputed Joint Operating Agreement and disputed AMI (Area of Mutual Interest). Client prevailed in all claims.°
- Represented defendant (oil and gas exploration and production company executive) in a multi-defendant litigation in South Texas concerning oil and gas leases covering approximately 50,000 acres. Plaintiff alleged defendants conspired to misappropriate plaintiff's Eagle Ford Shale opportunity. Cause of action against client was dismissal with prejudice three days before trial. Remaining defendants (represented by another firm) were found liable and jury awarded approximately \$95 million in damages.°
- Represented defendant (oil and gas exploration and production company) in litigation alleging trespass to try title, lease termination, and trespass claims concerning oil and gas leases covering mineral rights located in two different counties in Texas. Court dismissed plaintiff's claims against client with prejudice.°
- Represented defendant (oil and gas exploration and production company) in litigation alleging trespass to try title, termination of an underlying lease due to failure to produce in paying quantities, and trespass claims concerning oil and gas leases and the drilling of an Eagle Ford Shale well pursuant to client's lease. The matter was resolved in the client's favor, the court dismissed plaintiff's claims against client with prejudice, and the court further acknowledged the client's lease as the current lease in force and effect.°
- Represented defendant (oil and gas exploration and production company) in litigation alleging breach of an oral contract and attempting to impose a constructive trust concerning oil and gas leases in South Texas. The matter was resolved in the client's favor and court dismissed all claims.°
- Represented defendant (oil and gas exploration and production company) in litigation seeking a declaratory judgment and interpretation of terms and provisions of oil and gas lease and assignment of leases in Texas. All claims dismissed against client via summary judgment.°
- Represented defendant (oil and gas exploration and production company) in litigation alleging trespass to try title claims related to oil and gas leases granted by two different Catholic Dioceses in Texas. The Diocese of Laredo and the Diocese of San Antonio were

asserting mineral rights over the same mineral leases. Litigation was resolved in the client's favor and all claims were dismissed by the court with prejudice.<sup>o</sup>

- Represented defendant in a cause of action alleging theft of trade secrets and breach of contractual non-compete and confidentiality obligations concerning loss of business opportunities from oil and gas leases. The litigation was successfully resolved prior to trial.<sup>o</sup>

### **Environmental**

- Represented defendant (oil and gas exploration and production company) in Louisiana state and federal litigation alleging environmental claims associated with Coastal Use Permitting.
- Represented defendant in litigation in Texas State Court concerning issues involving the Texas Commission on Environmental Quality.
- Represented clients in enforcement actions before the Texas Railroad Commission in matters alleging permitting violations.

### **Securities Fraud & Fiduciary Duty**

- Represented claimant (international private equity investor) in AAA arbitration concerning portfolio company investment and seeking declaratory judgment regarding amendments made to portfolio company agreement.
- Assisted in representation of Defendant (officer, general partner and venture capital promoter) against security fraud claims, wherein the plaintiffs sought to recover their initial investments and other damages exceeding \$50,000,000.00.<sup>o</sup>

### **Construction & Real Estate**

- Represented clients in numerous matters involving claims in state court and arbitration related to the planning, design and construction of single family and multi-family construction projects. Matters involved complex construction issues and systems, including but not limited to: foundation, framing, roofing systems, stucco, window and door installation, water penetration, and building envelope. Representation has included owners, contractors, subcontractors, and design professionals.
- Represented clients in numerous matters involving claims in state court related to the creation and scope of easements, including the creation and/or interpretation of easement rights over the shores and waters of the Highland Lakes in/around Central Texas.
- Represented clients in numerous matters involving commercial lease disputes.
- Assisted in obtaining \$1,800,000 pre-judgment writ of attachment against a publicly traded corporation that abandoned an entire office building and breached its commercial lease agreement.<sup>o</sup>

*<sup>o</sup>The above representations were handled by Mr. Duewall prior to his joining Greenberg Traurig, LLP.*

## **Recognition & Leadership**

### **Awards & Accolades**

- Listed, *The Best Lawyers in America*, Commercial Litigation, 2022

- Listed, *Texas Super Lawyers*, Rising Stars, 2014

## Professional & Community Involvement

- Member, Austin Bar Association
  - Board of Directors, Civil Litigation Section, 2018-Present
  - Chair, Litigation Section, 2010-2011
- Member, Texas State Bar
  - Member, Litigation Section
  - Member, Oil, Gas & Energy Resources Law Section
  - Member, Construction Section
- Member, Federal Bar Association
  - Member, Litigation Section
- Member, Independent Petroleum Association of America
  - Member, Business Development Committee

## Credentials

### Education

- J.D., South Texas College of Law, 1999
- B.S., Political Science, Texas A&M University, 1996
  - Member, Pi Kappa Phi
  - Member, Order of Omega

### Clerkships

- Hon. Alberto R. Gonzalez, Supreme Court of Texas, Summer 1999
- Hon. Ewing Werlein Jr., U.S. District Court for the Southern District of Texas, Fall 1998
- Hon. Michael H. Schneider, Texas First District Court of Appeals, Fall 1998

### Admissions

- Texas
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas

## News, Insights & Events

May 13, 2020 PUBLISHED ARTICLE

### I Never Agreed to That

*Texas Lawyer*

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April 15, 2019 EVENT

### Austin Bar Association Civil Litigation Section Meeting Panel

#### Discussion

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January 01, 2007 PUBLISHED ARTICLE

## **Evidentiary Issues in Oil and Gas Cases**

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January 11, 2017 MEDIA COVERAGE

## **Shannon Gracey Lawyers Join Greenberg Traurig in Austin**

*Texas Lawyer*

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